

BRINKS HOFER GILSON & LIONE  
JACK C. BERENZWEIG (Admitted Pro Hac Vice)  
WILLIAM H. FRANKEL (Admitted Pro Hac Vice)  
JASON C. WHITE (Admitted Pro Hac Vice)  
CHARLES M. MCMAHON (Admitted Pro Hac Vice)  
NBC Tower - Suite 3600  
455 North Cityfront Plaza Drive  
Chicago, Illinois 60611  
Telephone: (312) 321-4200  
Facsimile: (312) 321-4299

Attorneys for Plaintiff  
OVERTURE SERVICES, INC.

KEKER & VAN NEST, LLP  
JOHN W. KEKER - #49092  
JON B. STREETER - #101970  
DARALYN J. DURIE - #169825  
MICHAEL S. KWUN - #198945  
710 Sansome Street  
San Francisco, CA 94111-1704  
Telephone: (415) 391-5400  
Facsimile: (415) 397-7188

Attorneys for Defendant  
GOOGLE INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

OVERTURE SERVICES, INC., a Delaware  
corporation,

Plaintiff,

v.

GOOGLE INC., a California corporation,

Defendant.

Case No. C 02-01991 JSW ADR

**FURTHER JOINT CASE  
MANAGEMENT STATEMENT**

Judge: Hon. Jeffrey S. White

Plaintiff Overture Services, Inc. ("Overture") and defendant Google Inc. ("Google")  
hereby submit this Further Joint Case Management Statement, and request that the Court adopt  
the proposed Case Management Order that is being filed herewith. This Further Joint Case

Management Statement omits discussion of the background and procedural history of this case. Those matters were fully discussed in the parties' January 24, 2003 Joint Case Management Statement.

### Discovery and Claim Construction Schedule

In the January 24, 2003 Joint Case Management Statement, the parties proposed a schedule for discovery and claim construction that was similar to the schedule set by the orders dated January 6 and 7, 2003 by Magistrate Judge Laporte and Judge Breyer. However, due to technical difficulties with Overture's production of source code, the dates in the schedule then proposed by the parties were one week later than the dates previously ordered by Magistrate Judge Laporte and Judge Breyer. The Court adopted the parties' proposed schedule in a Case Management Order dated January 31, 2003.

Since the submission of the January 24, 2003 Joint Case Management Statement, Google encountered similar technical difficulties with its production of source code. Google is in the process of correcting its source code production.

Due to the time necessary to make these corrections, the parties agree that a further extension of case management deadlines is necessary. The parties therefore jointly propose the following changes to the case management schedule:

Event	Patent L.R.	Old Date	New Date
Last Day for the Parties to Exchange Source Code Responsive to Discovery Requests Served Prior to December 18, 2002, Subject to Any Appropriate Objections		1/24/03	2/14/03
Last Day for Overture to Serve Revised Preliminary Infringement Contentions with Respect to Claim 14 of the '361 Patent	3-1	2/7/03	2/28/03
Last Day for Google to Serve Preliminary Invalidity Contentions	3-3	2/21/03	3/14/03
Last Day for Simultaneous Exchange of Proposed Terms and Claim Elements for Construction and/or Governed by 35 U.S.C. § 112 ¶ 6	4-1	3/10/03	3/31/03

Event	Patent L.R.	Old Date	New Date
Last Day for Simultaneous Exchange of Preliminary Claim Constructions and Extrinsic Evidence	4-2	3/31/03	4/21/03
Last Day for Parties to File Joint Claim Construction and Prehearing Statement	4-3	4/22/03	5/13/03
Last Day to Complete Mediation before a Private Mediator		4/28/03	5/19/03
Last Day to Take Discovery Relating to Claim Construction	4-4	5/22/03	6/12/03
Case Management Conference		5/23/03, 3:00 p.m.	6/13/03, 3:00 p.m.
Last Day for Overture to File Opening Claim Construction Brief and Supporting Evidence	4-5	6/6/03	6/27/03
Last Day for Google to File Responsive Claim Construction Brief and Supporting Evidence	4-5	6/20/03	7/11/03
Last Day for Overture to File Reply Claim Construction Brief and Rebuttal Evidence	4-5	7/1/03	7/22/03
Technology Tutorial for Court and Claim Construction Prehearing Conference	4-6	7/16/03, 8:30 a.m.	On or after 8/5/03
Technology Tutorial for Court and Claim Construction Prehearing Conference	4-6	7/17/03, 8:30 a.m.	On or after 8/5/03

The parties do not, at this time, anticipate that there will be a need to extend these dates further, should the Court adopt the schedule proposed above.

Dated: February 6, 2003

BRINKS HOFER GILSON & LIONE

By: /s/ Charles M. McMahon

CHARLES M. MCMAHON  
Attorneys for Plaintiff  
OVERTURE SERVICES, INC.

1 Dated: February 6, 2003

KEKER & VAN NEST, LLP

2  
3  
4 By: /s/ Michael S. Kwun  
MICHAEL S. KWUN  
Attorneys for Defendant  
5 GOOGLE INC.

6 I hereby attest that concurrence in the filing of this document has been obtained from  
7 Charles M. McMahon.

8 Dated: February 6, 2003

KEKER & VAN NEST, LLP

9  
10  
11 By: /s/ Michael S. Kwun  
MICHAEL S. KWUN  
Attorneys for Defendant  
12 GOOGLE INC.